

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID DUTRA, JAMES MARVIN, STEVEN
MURPHY, & BENNY ROS,
Petitioners,

No. C 06-0323 MHP

v.

ORDER

DEPARTMENT OF CORRECTIONS AND
REHABILITATION, AND LEA ANN CHRONES,
ANTHONY KANE, & KATHY MENOZA-POWERS,
warden,

Respondents.

Petitioners David Dutra, James Marvin, Steven Murphy and Benny Ross have filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. section 2254 challenging the charges and their convictions for disciplinary violations at the California Men's Colony. Having reviewed petitioners' response to this court's order to show cause why the matter should not be treated as a claim under 42 U.S.C. section 1983, the court finds it appropriate to permit the claim to proceed as a habeas petition under section 2254. However, regardless of whether the claims of the petitioners involve substantially similar facts and law, the court finds that each petitioner must file a separate petition.


Accordingly, petitioners are directed to amend their current petition to file three (3) separate petitions within thirty (30) days from the date of this order. Petitioner David Dutra may retain the case number currently assigned to the petition—namely C 06-0323. The other petitioners (James

1 Marvin, Steven Murphy and Benny Ros) are directed to file separate actions and to file a notice of
2 related case for each new action.

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4 IT IS SO ORDERED.

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6 Date:

July 21, 2006


MARILYN HALL PATEL
District Judge
United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
For the Northern District of California